

Executive Summary – Enforcement Matter – Case No. 43339
City of Coolidge
RN101919025
Docket No. 2012-0152-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lagoon WWTP, located 4,500 feet northeast of the intersection of Farm-to-Market ("FM") Road 73 and FM Road 1951, Limestone County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 15, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,146

Amount Deferred for Expedited Settlement: \$3,829

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,317

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 43339

City of Coolidge

RN101919025

Docket No. 2012-0152-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 3, 2011

Date(s) of NOE(s): December 22, 2011

Violation Information

1. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the audio-visual alarm system at the lift station was not functional [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014751001, Operational Requirements No. 1].

2. Failed to have an effective flow measuring device. Specifically, the Respondent was monitoring flow based on visual estimation of the water depth flowing from the end of the outfall pipe. The Facility has a rectangular weir, but does not have a staff gauge or a flow meter [30 TEX. ADMIN. CODE § 319.11(c) and (d) and TPDES Permit No. WQ0014751001, Operational Requirements No. 5].

3. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the discharge monitoring reports (“DMRs”) for the monitoring periods ending January 31, 2011 through September 30, 2011, were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 1].

4. Failed to make records readily available for review by TCEQ staff [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 3.b.].

5. Failed to maintain management records for all sludge removed from any wastewater treatment process [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014751001, Operational Requirements No. 11.f].

6. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, vegetation was growing in the sludge drying beds [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014751001, Operational Requirements No. 1].

7. Failed to submit the annual sludge report for the monitoring period ending July 31, 2011, by September 30, 2011 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014751001, Sludge Provisions].

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RN101919025
Docket No. 2012-0152-MWD-E

8. Failed to employ or contract with a licensed operator. Specifically, the operator's wastewater license expired on March 25, 2010, and he was operating the Facility [30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0014751001, Other Requirements No. 1].

9. Failed to maintain compliance with permitted effluent limitations for 5-day biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014751001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By January 19, 2012, the Respondent implemented the following corrective measures at the Facility:

- a. Installed an audio-visual alarm in the lift station; and
- b. Submitted the DMRs for the monitoring periods ending January 31, 2011 through September 30, 2011, to the TCEQ.

Technical Requirements:

The Order will require Respondent to:

- a. Within 15 days, commence operating the Facility under the direct supervision of a properly licensed operator;
- b. Within 30 days:
 - i. Submit written certification of compliance with Ordering Provision a.;
 - ii. Update the Facility's operational guidance and conduct employee training to ensure timely submittal of signed and certified monthly DMRs and annual sludge reports, that records of monitoring activities and management records, including inspection records and sludge removal manifests, are properly maintained and retained at the Facility, and that flow is monitored in a manner representative of the monitored activity;
 - iii. Properly install a staff gauge or a flow measuring device;
 - iv. Remove vegetation from the drying beds; and
 - v. Submit the 2011 annual sludge report.

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c. Within 45 days, submit certification of compliance with Ordering Provisions b.ii. through b.v.;

d. Within 90 days, submit written certification demonstrating compliance with the effluent limits of TPDES Permit No. WQ0014751001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitation, in accordance with Ordering Provision No. 2.e.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable David Frazier, Mayor, City of Coolidge, P.O. Box 457, Coolidge, Texas 76635

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	3-Jan-2012	Screening	9-Jan-2012	EPA Due	
	PCW	9-Jan-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Coolidge		
Reg. Ent. Ref. No.	RN101919025		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43339	No. of Violations	3
Docket No.	2012-0152-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$4,700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **75.0%** Enhancement **Subtotals 2, 3, & 7** \$3,525

Notes Enhancement for six months of self-reported effluent violations, one NOV with same/similar violations, and two orders with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit **0.0%** Enhancement* **Subtotal 6** \$0

Total EB Amounts \$1,025
Approx. Cost of Compliance \$10,836
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$8,225

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$8,225

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$8,225

DEFERRAL **20.0%** Reduction **Adjustment** -\$1,645

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$6,580

Screening Date 9-Jan-2012

Docket No. 2012-0152-MWD-E

PCW

Respondent City of Coolidge

Policy Revision 2 (September 2002)

Case ID No. 43339

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 75%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for six months of self-reported effluent violations, one NOV with same/similar violations, and two orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 75%

Screening Date 9-Jan-2012
Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2012-0152-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit monitoring results at the intervals specified in the permit, as documented during an investigation conducted on November 3, 2011. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2011 through July 31, 2011, were not submitted by the 20th day of the following month as required.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 7

211 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$700

Seven single events are recommended, one for each missing report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$700

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$51

Violation Final Penalty Total \$1,225

This violation Final Assessed Penalty (adjusted for limits) \$1,225

Economic Benefit Worksheet

Respondent City of Coolidge
Case ID No. 43339
Req. Ent. Reference No. RN101919025
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	20-Feb-2011	30-Sep-2012	1.61	\$40	n/a	\$40
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$225	20-Feb-2011	19-Jan-2012	0.91	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to submit the DMRs to TCEQ (\$25 per report), to update operational guidance and conduct employee training to ensure that DMRs are submitted by the 20th of the following month, ensure that monitoring and measurements are properly conducted, ensure that all records of monitoring and operational activities are kept on-site for a period of three years, ensure that inspection records and sludge removal manifests are properly maintained and retained at the Facility, and ensure that the annual sludge report is submitted by September 30 of every year. Date required is the date the first DMR was due. Final dates include the anticipated date of compliance and the date the missing DMRs were submitted to TCEQ.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$725

TOTAL

\$51

Screening Date 9-Jan-2012
Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2012-0152-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0014751001, Other Requirements No. 1

Violation Description

Failed to employ or contract with a licensed operator, as documented during an investigation conducted on November 3, 2011. Specifically, the operator's wastewater license expired on March 25, 2010, and he was operating the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Operating the Facility without a licensed operator may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address needs of the Facility. As a result, human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

67 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three monthly events are recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent City of Coolidge
 Case ID No. 43339
 Reg. Ent. Reference No. RN101919025
 Media Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$111	25-Mar-2010	30-Sep-2012	2.52	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to renew wastewater operator's license. Date required is the date the operator's license expired. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$111

TOTAL

\$14

Screening Date 9-Jan-2012
Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Enf. Coordinator Heather Brister
Violation Number 3
Rule Cite(s)

Docket No. 2012-0152-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014751001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to maintain compliance with permitted effluent limitations, as documented during an investigation conducted on November 3, 2011, and as seen in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate 5-day biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

62 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$960

Violation Final Penalty Total \$1,750

This violation Final Assessed Penalty (adjusted for limits) \$1,750

Economic Benefit Worksheet

Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media Water Quality
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Oct-2010	30-Sep-2012	1.92	\$959	n/a	\$959

Notes for DELAYED costs

Estimated cost to determine the cause of non-compliance and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the date of the first non-compliant month. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$959



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	3-Jan-2012	Screening	9-Jan-2012	EPA Due	
	PCW	9-Jan-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Coolidge		
Reg. Ent. Ref. No.	RN101919025		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43339	No. of Violations	7
Docket No.	2012-0152-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,312
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	75.0% Enhancement	Subtotals 2, 3, & 7	\$4,734
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Notes: Enhancement for six months of self-reported effluent violations, one NOV with same/similar violations, and two orders with denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$125
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$62
Approx. Cost of Compliance \$1,650
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,921
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,921
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,921
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,184
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,737
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Screening Date 9-Jan-2012
Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2012-0152-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 75%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six months of self-reported effluent violations, one NOV with same/similar violations, and two orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 75%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 75%

Screening Date 9-Jan-2012

Docket No. 2012-0152-MWD-E

PCW

Respondent City of Coolidge

Policy Revision 3 (September 2011)

Case ID No. 43339

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014751001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, as documented during an investigation conducted on November 3, 2011. Specifically, the audio-visual alarm system at the lift station was not functional.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

67 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).

Good Faith Efforts to Comply

10.0% Reduction

\$125

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent achieved compliance on January 19, 2012.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$2,063

This violation Final Assessed Penalty (adjusted for limits) \$2,063

Economic Benefit Worksheet

Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment	\$500	3-Nov-2011	19-Jan-2012	0.21	\$0	\$7	\$7
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install an audio-visual alarm in the lift station. Date required is the investigation date.
Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$7

Screening Date 9-Jan-2012
Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Enf. Coordinator Heather Brister
Violation Number 2
Rule Cite(s)

Docket No. 2012-0152-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

30 Tex. Admin. Code § 319.11(c) and (d) and TPDES Permit No. WQ0014751001, Operational Requirements No. 5

Violation Description

Failed to have an effective flow measuring device, as documented during an investigation conducted on November 3, 2011. Specifically, the Respondent was monitoring flow based on visual estimation of the water depth flowing from the end of the outfall pipe. The Facility has a rectangular weir, but does not have a staff gauge or a flow meter.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

67 **Number of violation days**

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$2,188

This violation Final Assessed Penalty (adjusted for limits) \$2,188

Economic Benefit Worksheet

Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$100	3-Nov-2011	30-Sep-2012	0.91	\$0	\$6	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly install a staff gauge. Date required is the date of the investigation. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 9-Jan-2012
Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2012-0152-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit, as documented during an investigation conducted on November 3, 2011. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2011 and September 30, 2011, were not submitted by the 20th day of the following month as required.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$875

This violation Final Assessed Penalty (adjusted for limits) \$875

Economic Benefit Worksheet

Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1 on the accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 9-Jan-2012

Docket No. 2012-0152-MWD-E

PCW

Respondent City of Coolidge

Policy Revision 3 (September 2011)

Case ID No. 43339

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(c), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 3.b

Violation Description

Failed to make records readily available for review by TCEQ staff, as documented during an investigation conducted on November 3, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

67 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$62

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$62

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$109

This violation Final Assessed Penalty (adjusted for limits) \$109

Economic Benefit Worksheet

Respondent City of Coolidge
 Case ID No. 43339
 Reg. Ent. Reference No. RN101919025
 Media Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1 on the accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 9-Jan-2012

Docket No. 2012-0152-MWD-E

PCW

Respondent City of Coolidge

Policy Revision 3 (September 2011)

Case ID No. 43339

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014751001,
Operational Requirements No. 11.f

Violation Description

Failed to maintain management records for all sludge removed from any wastewater
treatment process, as documented during an investigation conducted on November
3, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix
Notes

100% of the permit requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

67

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for
this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,188

This violation Final Assessed Penalty (adjusted for limits) \$2,188

Economic Benefit Worksheet

Respondent City of Coolidge

Case ID No. 43339

Reg. Ent. Reference No. RN101919025

Media Water Quality

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1 on the accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 9-Jan-2012
Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Enf. Coordinator Heather Brister
Violation Number 6

Docket No. 2012-0152-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0014751001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, as documented during an investigation conducted on November 3, 2011. Specifically, vegetation was growing in the sludge drying beds.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment could or will be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

67 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media Water Quality
Violation No. 6

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	3-Nov-2011	30-Sep-2012	0.91	\$45	\$45

Notes for DELAYED costs

Estimated cost to remove vegetation from the drying beds. Date required is the investigation date. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$45

Screening Date 9-Jan-2012

Docket No. 2012-0152-MWD-E

PCW

Respondent City of Coolidge

Policy Revision 3 (September 2011)

Case ID No. 43339

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 7

Rule Cite(s)

30 Tex. Admin Code § 305.125(1) and (17) and TPDES Permit No. WQ0014751001, Sludge Provisions

Violation Description

Failed to submit the annual sludge report for the monitoring period ending July 31, 2011, by September 30, 2011, as documented during a record review conducted on January 9, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

1

101

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$2,188

This violation Final Assessed Penalty (adjusted for limits) \$2,188

Economic Benefit Worksheet

Respondent City of Coolidge
Case ID No. 43339
Reg. Ent. Reference No. RN101919025
Media Water Quality
Violation No. 7

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	30-Sep-2011	30-Sep-2012	1.00	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to submit the annual sludge report to the TCEQ. Date required is the date the annual sludge report was due. Final date is the anticipated date of compliance. See Economic Benefit for Violation No. 1 on the accompanying PCW for operational guidance and training.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Effluent Limit Violation Table

Respondent: City of Coolidge

ID Number(s): TPDES Permit No. WQ0014751001

Docket Number: 2012-0152-MWD-E

Enf. Coordinator: Heather Brister

Corresponds to Violation Number: 3

EFFLUENT PARAMETER		
	Permit Limit	
	5-Day Biochemical Oxygen Demand Daily Average Concentration 30 Milligrams per Liter	5-Day Biochemical Oxygen Demand Daily Average Loading 25 Pounds per Day
Month/Year		
October 2010	35.33	c
December 2010	37.50	152.00

c = compliant

Compliance History

Customer/Respondent/Owner-Operator:	CN600510598	City of Coolidge	Classification: AVERAGE	Rating: 2.03
Regulated Entity:	RN101919025	LAGOON WWTP	Classification: AVERAGE	Site Rating: 2.49
ID Number(s):	WASTEWATER		EPA ID	TX0057045
	WASTEWATER		PERMIT	WQ0014751001
	WASTEWATER		EPA ID	TX0057045
Location:	Located 4,500 feet northeast of the intersection of Farm-to-Market Road 73 and Farm-to-Market Road 1951 in Limestone County, Texas 76635			

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: January 09, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 09, 2007 to January 09, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Brister Phone: (254) 761-3034

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: **06/29/2007** ADMINORDER 2006-1878-MWD-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter D 305.65

Description: Failed to submit a permit application and obtain authorization for the discharge of wastewater into or adjacent to water in the state after expiration of TPDES Permit No. 10496001.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Limit. & Monitoring Req. No. 1 PERMIT

Description: Failed to comply with five-day BOD limit of 30 mg/L in the months of November 2005 through March 2006.

Effective Date: **10/02/2011** ADMINORDER 2011-0665-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Monitor'g & Report'g Req. No. 1 & Sldg P PERMIT

Description: Failure to timely submit the DMRs for the monitoring periods ending January 31, 2010 through December 31, 2010 and the annual sludge report for the monitoring period ending July 31, 2010, as documented during a record review conducted on April 11, 2011.

- B. Any criminal convictions of the state of Texas and the federal government N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|----|------------|----------|
| 1 | 02/22/2008 | (617287) |
| 2 | 02/13/2007 | (622147) |
| 3 | 03/14/2007 | (622150) |
| 4 | 04/16/2007 | (622153) |
| 5 | 07/16/2007 | (622157) |
| 6 | 07/26/2007 | (622160) |
| 7 | 09/11/2007 | (622163) |
| 8 | 09/28/2007 | (622165) |
| 9 | 10/23/2007 | (622168) |
| 10 | 12/03/2007 | (622171) |

11	01/18/2007	(622172)
12	12/20/2007	(622173)
13	01/18/2007	(622175)
14	03/13/2008	(637206)
15	02/29/2008	(673948)
16	02/06/2008	(673949)
17	07/23/2008	(692215)
18	07/30/2008	(713312)
19	07/30/2008	(713313)
20	07/30/2008	(713314)
21	07/30/2008	(713315)
22	07/30/2008	(713316)
23	08/28/2008	(713317)
24	01/20/2009	(752617)
25	01/20/2009	(752618)
26	01/20/2009	(752619)
27	01/30/2009	(752620)
28	05/14/2010	(827855)
29	06/07/2010	(832872)
30	06/07/2010	(832873)
31	06/07/2010	(832874)
32	06/07/2010	(832875)
33	06/07/2010	(832876)
34	06/07/2010	(832877)
35	06/07/2010	(832878)
36	06/07/2010	(832879)
37	06/07/2010	(832880)
38	06/07/2010	(832881)
39	06/07/2010	(832882)
40	04/21/2011	(912360)
41	04/28/2011	(927143)
42	04/28/2011	(927144)
43	04/28/2011	(927145)
44	04/28/2011	(927146)
45	04/28/2011	(927147)
46	04/28/2011	(927148)
47	04/28/2011	(927149)
48	04/28/2011	(927150)
49	04/28/2011	(927151)
50	05/18/2011	(927152)
51	05/18/2011	(927153)
52	05/18/2011	(927154)
53	12/30/2011	(964646)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/31/2007	(622153)	CN600510598	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)			
	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	09/30/2007	(622168)	CN600510598	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)			
	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2007	(673949)	CN600510598	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)			
	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	02/28/2010	(927144)	CN600510598	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	05/14/2010	(827855)	CN600510598	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 10/31/2010 (927152) CN600510598
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2010 (927154) CN600510598
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF COOLIDGE
RN101919025**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0152-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Coolidge ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located 4,500 feet northeast of the intersection of Farm-to-Market Road 73 and Farm-to-Market Road 1951 in Limestone County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 27, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand One Hundred Forty-Six Dollars (\$19,146) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Three Hundred

Seventeen Dollars (\$15,317) of the administrative penalty and Three Thousand Eight Hundred Twenty-Nine Dollars (\$3,829) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by January 19, 2012 the Respondent implemented the following corrective measures at the Facility:
 - a. Installed an audio-visual alarm in the lift station; and
 - b. Submitted the Discharge Monitoring Reports ("DMRS") for the monitoring periods ending January 31, 2011 through September 30, 2011, to the TCEQ.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014751001, Operational Requirements No. 1, as documented during an investigation conducted on November 3, 2011. Specifically, the audio-visual alarm system at the lift station was not functional.
2. Failed to have an effective flow measuring device, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and (d) and TPDES Permit No. WQ0014751001, Operational Requirements No. 5, as documented during an investigation conducted on November 3, 2011.

Specifically, the Respondent was monitoring flow based on visual estimation of the water depth flowing from the end of the outfall pipe. The Facility has a rectangular weir, but does not have a staff gauge or a flow meter.

3. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on November 3, 2011. Specifically, the DMRs for the monitoring periods ending January 31, 2011 through September 30, 2011, were not submitted by the 20th day of the following month.
4. Failed to make records readily available for review by TCEQ staff, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 3.b, as documented during an investigation conducted on November 3, 2011.
5. Failed to maintain management records for all sludge removed from any wastewater treatment process, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014751001, Operational Requirements No. 11.f, as documented during an investigation conducted on November 3, 2011.
6. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014751001, Operational Requirements No. 1, as documented during an investigation conducted on November 3, 2011. Specifically, vegetation was growing in the sludge drying beds.
7. Failed to submit the annual sludge report for the monitoring period ending July 31, 2011, by September 30, 2011, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014751001, Sludge Provisions, as documented during a record review conducted on January 9, 2012.
8. Failed to employ or contract with a licensed operator, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0014751001, Other Requirements No. 1, as documented during an investigation conducted on November 3, 2011. Specifically, the operator's wastewater license expired on March 25, 2010, and he was operating the Facility.
9. Failed to maintain compliance with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014751001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on November 3, 2011, and as shown in the table below:

EFFLUENT PARAMETER		
	Permit Limit	
	5-Day Biochemical Oxygen Demand Daily Average Concentration 30 Milligrams per Liter	5-Day Biochemical Oxygen Demand Daily Average Loading 25 Pounds per Day
Month/Year		
October 2010	35.33	c
December 2010	37.50	152.00
c = compliant		

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Coolidge, Docket No. 2012-0152-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Agreed Order, commence operating the Facility under the direct supervision of a properly licensed operator;
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.e below;
 - ii. Update the Facility's operational guidance and conduct employee training to ensure timely submittal of signed and certified monthly DMRs and annual sludge reports, that records of monitoring activities and

management records, including inspection records and sludge removal manifests, are properly maintained and retained at the Facility, and that flow is monitored in a manner representative of the monitored activity;

- iii. Properly install a staff gauge or a flow measuring device;
- iv. Remove vegetation from the drying beds; and
- v. Submit the 2011 annual sludge report to:

Compliance Monitoring Team
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.b.ii through 2.b.v, in accordance with Ordering Provision No. 2.e below;
- d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014751001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitation, in accordance with Ordering Provision No. 2.e below; and
- e. The certification of compliance required by Ordering Provision Nos. 2.b.i, 2.c, and 2.d, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/28/12
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

4/2/12
Date

David Frazer
Name (Printed or typed)
Authorized Representative of
City of Coolidge

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.